

REMARKS

Claims 1-39 are pending in the present application. Claims 1, 21, 29, 37 and 39 are amended herein for clarity and to more particularly define the invention. Support for these amendments can be found in the claims as filed, in the specification on page 23, lines 1-6 and elsewhere throughout the specification. Claims 20 and 38 are cancelled herein. No new matter is believed to be added by these amendments. Therefore, Applicants respectfully request entry and consideration of these amendments.

According to the Office Action, the application allegedly contains several inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. Therefore, the Examiner has restricted claims 1-39 into Groups I-V. In response, Applicants are required to elect one of Groups I-V to which the claims must be restricted.

As required in response to this Action, applicants provisionally elect Group I (claims 1-22), with traverse.

The Office Action states that the application allegedly contains claims to more than one species of the generic invention. Further stated in the Office Action is that Applicants are required to elect a single species to which the claims shall be restricted if no generic claim is finally held allowable. As required in response to this Action, applicants provisionally elect an adenovirus nucleic acid as species I of Group I, and endostatin as species II of Group I.

As stated by the Examiner, claims 1, 23 and 30 are generic. The claims readable upon species I (an adenovirus nucleic acid) of Group I are claims 2 and claims 16-19. The claim readable upon species II (endostatin) of Group I is claim 4. Applicants acknowledge that, upon allowance of a generic claim, applicants will be entitled to consideration of claims to additional species as provided under 37 C.F.R. § 1.141.

Applicants respectfully request that the entire restriction requirement be reconsidered because, as amended herein, the special technical feature of Groups I-IV is a compound comprising a recombinant nucleic acid encoding an antiangiogenic protein operatively linked to an adenovirus signal sequence inserted within a viral nucleic acid. The cited art (Tanaka et al.) does not disclose a viral vector which contains a nucleic acid encoding an antiangiogenic protein operatively linked to an adenovirus signal sequence. Therefore, Groups I-IV are linked by a special technical feature that defines a contribution over the prior art. As such, Groups I-IV relate to a single general inventive concept and should be examined together.

Furthermore, Applicants respectfully point out that the present application is a national phase application under 37 C.F.R. § 371 and during prosecution of claims 1-39, although Tanaka et al. was cited in the International Search Report, the International Search Authority and the International Preliminary Examination Authority deemed claims 1-39 to be one invention. Therefore, the claims of Groups I-IV (claims 1-36) have previously been determined to relate to a single general inventive concept. Applicants also wish to remind the Examiner of the guidelines for rejoinder of claims as set forth in M.P.E.P. § 821.04, as they apply to the pending claims of the instant application.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$120.00 for a large entity under 37 C.F.R.1.17(a)(1) is enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

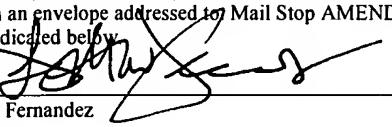
NEEDLE & ROSENBERG, P.C.

  
Lizette M. Fernandez, Ph.D.  
Registration No. 46,694

NEEDLE & ROSENBERG, P.C.  
Customer Number 36339  
(678) 420-9300  
(678) 420-9301 (fax)

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11/22/05